

Office of the Special Trustee for American Indians (OST) Contingency Plan

The Office of the Special Trustee for American Indians provides fiduciary guidance, management, and leadership for Tribal Trust and Individual Indian Money accounts. The Office of the Special Trustee oversees and coordinates the Department's efforts to establish consistent policies, procedures, systems, and practices throughout Interior for the Indian fiduciary trust. The Office of the Special Trustee for American Indians manages and discharges the Secretary of the Interior's responsibility for nearly \$4.4 billion in trust assets for American Indians.

In December 2012, the Secretary of the Interior established the Land Buy-Back Program for Tribal Nations, in the Office of the Secretary, to implement the land consolidation aspects of the Individual Indian Money Account Litigation Settlement, formerly referred to as the Cobell v. Salazar lawsuit. The Settlement provides \$1.9 billion for a Trust Land Consolidation Fund for the Department to acquire fractional interests in trust or restricted land within ten years, at fair market value, from willing individual Indian sellers. The Office of Appraisal Services within the Office of the Special Trustee has established a reimbursable support agreement with the Land Buy Back Program to complete the appraisals of the fractionated interests. The Office of Appraisal Services employees conducting this work are considered exempt.

The contingency plan establishes procedures and identifies resources required to continue legally required Office of the Special Trustee functions during a possible government-wide shutdown. The plan addresses identification of both excepted and exempt employees and their responsibilities, including definition of operations at a minimum level.

The Principal Deputy Special Trustee is responsible for implementing and adjusting the Contingency Plan to respond to the length of the lapse in appropriations and changes in external circumstances.

Key components include those excepted employees necessary for the operation of systems vital to conducting fiduciary trust business and providing service to beneficiaries, and the level of support necessary from information technology, administration, and contractors. The only exempt employees are those funded from the Settlement Fund to appraise fractionated interest in land.

Primary objectives are to:

- Protect the safety and well-being of employees and contractors
- Minimize excepted functions and determine the level at which they would operate
- Ensure continued Office of the Special Trustee leadership
- Continue providing valuation services to the Land Buy Back Program for Tribal Nations (Exempt Employees)

Critical Office of the Special Trustee activities are the receipt, investment, and disbursement of funds to beneficiaries. The minimal level of functionality required to accomplish this activity include excepted staff that:

- 1) Maintain system integrity and operability
- 2) Ensure proper function of interfaces with Trust Asset and Accounting Management System and Trust Fund Accounting System
- 3) Safeguard, print and mail checks
- 4) Approve Transactions
- 5) Encode transactions
- 6) Operate the Trust Beneficiary Call Center

Authorities

The American Indian Trust Fund Management Reform Act of June 24, 1938 (25 U.S.C. 162a) requires the Secretary of Interior to account for the daily and annual balances of Indian Trust Funds deposited or invested.

Section 102 of the American Indian Trust Fund Management Reform Act of 1994 (Pub. L. 103-412, Title I, Sec. 102, Oct. 25, 1994, 108 Stat 4240) requires the Secretary to account for the daily and annual balances of Indian Trust Funds and provide a statement of performance to each Indian tribe and individual for whom funds are deposited or invested by the 20th business day after the close of the calendar quarter.

Section 103 of the American Indian Trust Fund Management Reform Act of 1994 (Pub. L. 103-412, Title I, Sec. 102, Oct. 25, 1994, 108 Stat 4240) requires the investment of individual Indian monies and deposit of interest in the individual Indian trust accounts.

Positions required to meet the requirements of the American Indian Trust Fund Management Reform Act of 1994 (Pub. L. 103-412, Title I, Sec. 102, Oct. 25, 1994, 108 Stat 4240) are identified as excepted. Carryover funds, when apportioned, will be used to fund these positions in the event of a Government shutdown.

The Cobell settlement, approved on November 24, 2012, provides \$1.9 billion for a Trust Land Consolidation Fund (Fund). The settlement charges the U.S. Department of the Interior with the responsibility to use the Fund within a 10-year period to acquire, at fair market value as defined in the Indian Land Consolidation Act (ILCA). The overall goal of the Cobell Land Buy-Back Program is to reduce the number of fractional interests through individually-owned Indian land transfers to tribes. Positions located within the Office of the Special Trustee's, Office of Appraisal Services are required to meet the requirements of the Cobell Settlement and therefore are identified as exempt. Reimbursable funding provided the Land Buy Back Program will be used to fund these positions in the event of a Government shutdown.

Staffing

The Office of the Special Trustee excepted and exempt personnel list indicates staff required to report to duty from the start/initial (I) or to be “on call” (OC). Thirty-one exempt staff are required to be at work while 12 staff are on call.

Other Criteria/Statistics

Total Number of Employees – 585 (as of 9/9/13)

Total Number furloughed – 554

Total Number of Exempt Staff – 31*

Total Number of Excepted Staff - 0

Total Number of Staff On Call – 12

* Mission essential staff that would be designated as excepted for shutdown planning purposes will be funded by carryover and are therefore shown as exempt. Should a shutdown occur for an extended duration and carryover exhausted, the status for approximately 20 staff would be changed to excepted.